1946

File No. O Paper Control /46

A BRANCH

Subject:-

P.13/E

Opinions under the Paper Control (Economy) Order 1944

File No. O. Paper Control /46

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C O N T E N T S.

Legal Department File No. C. Paper Control/46.

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NHS 21/7

PHB 21/7

Office of the R.L.A.

The question for the R.L.A.'s consideration is whether the printed matter at page 9 ante falls within the meaning of the term "pamphlet" in clause 18 of the Paper Control (Economy) Order, 1944.

2. It is no doubt true that for the purpose of Part V of the Paper Control (Economy) Order, 1944, the term "books" includes "pamphlets" (see clause 18). However, the term "pamphlet" is not defined in the Paper Control (Economy) Order,1944, and consequently the ordinary dictionary meaning will apply. The word "pamphlet" as defined in Webster's New International Dictionary means a book of a few sheets of printed matter, or formerly of manuscript, commonly with a paper cover, specifically sometimes any such work not exceeding five sheets and not bound. According to Black's Law Dictionary, it means small book, bound in paper covers, usually printed in octavo form, and stitched. The same is the meaning given in Iyer's Law Lexicon (vide page 936). According to the meaning so given the matter printed on a leaflet would not appear to fall within the meaning of the term "pamphlet". It is important to note that clause 37 seeks to make distinction between "leaflet" and "pamphlet". A 'leaflet' is a sheet of small pages which are folded, but not stitched; a folder (see Webster's New International Dictionary). The printed matter at page 9 ante would therefore appear to fall within the meaning of the term "leaflet" and not "pamphlet" and that being so, it would not be possible to take action under clause 24 read with clause 18 of the Paper Control (Economy) Order, 1944.

The printed matter at page 9 ante would therefo appear to fall within the meaning of the term "leaflet" and not "pamphlet" and that being so, it would not be possible to take action under clause 24 read with clause 18 of the Paper Contro (Economy) Order, 1944.

Id/- P.N.M.
23/1/46.

Remembrancer of Legal Affairs.

U.R. to F.D.(Supply),No.620,
dated the 23rd January 1946.

R.D.P.
11/7/56

S.C.

Office of the R.L.A.

The question referred to the Remembrancer of Legal Affairs is whether the hand bills relating to wrestling matches (at p.9 ante) come within clause 11(c) of the Paper Contmrol (Economy) Order, 1944.

Clause 11(c) of the Paper Control (Economy) Order provides that no person shall except under the authority of the Central Government subject to the provisions of clause 13 print, make, publish or distribute any hand bill, pamphlet, bulletin or handbook which is intended for gratuitous distribution unless it is necessary to do so under any provision of law. Clause 13(1) lays down:

"No person shall

(a) print or make or gratuitously or otherwise distrubute or cause to be so distributed any advertising circular of any description relating to the sale of any good of to any profession, trade or business;

(b) in any a calendar month after the coming into force of this Order gratuitiously or otherwise distribute or cause to be so distributed any advertising circular of any description not covered by sub-clause (a) the aggregate weight of which exceeds 50 lbs. except under the authority of the Central Government;

(c) print or make or gratuitously or otherwise distribute of cause to be so distributed any advertising circular of any description relating to -

(i) the business of any money lender, book maker or commissions agents for bets or

(ii) any pool or competition; or

(d)

"Advertising Circular" as defined in clause 2(a) mean anything composed of or containing paper and distributed or intended to be distributed in substantially identical form to more than 12 persons for the purpose of advertising. "Hand bill" in its usual acceptance is synonimous with the words "printed circular". It means printed notices (as, of advertise-

(as, of advertisement of sale by public auction circulated by hand (see Iyer's Law Lexicon p. 503). It appears therefore that "hand bills" would fall within the wide definition of the expression "advertising circular" in clause 2(a) Hnad bills relating to wrestling matches in the present case appear to fall under sub-clause (1)(b) of clause 13 and since the aggregate weight of paper consumed for the purpose does x not exceed 50 lbs. it appears that clause 11(c) has not been contravened.

Id/- (R.T.K.)

For Remembrancer of Legal Affairs.

U.R. to F.D.(Supply,No.719,

dated the 26th January 1946.

R.D.P.
11/7/56

S.C.

Office of the R.L.A.

Clause 11(c) of the Paper Control (Economy) Order, 1944 provides that no person shall except under the authority in writing of the Central Government subject to the provisions of clause 13 print, make publish or distribute any hand-bill, pamphlet, bulletion or hand book which is intended for gratuitious distribution unless it is necessary to do so under any provision of law. "It is the duty of charity trustees, as it is of all trustees, to be ready and willing to account to any person or body to whom they may be bound to account, although mno requisition for such accounts has bee made" (see ~~xxxxx~~ Tudor on Charities, p.246). It appears from the District Magistrate's letter at page 23 ante that "the pamphlet entitled 'Shri Gupteshwar Mahadav was not meant for gratuitious distribution but was intended to be supplied to the donors to make them aware of the items of expenditure incurred in yagna performed in the interest oft he world peace". To render account to the donors being necessary under the provision of law the publication of the pamphlet 'Shri Gupteshvar Mahadev' would not be in breach of clause 11(c) of the Paper Control (Economy) Order and the prosecution should be dropped.

Id/-

P.N.M.

29/1/46.

Remembrancer of Legal Affairs.

U.R. to F.D.(Supply),No.800,dated the 29th January 1946.

R.D.P.
11/7/56

S.C.

Offices of the R.L.A.

It is true that out of 12 pages of the pamphlet 5 pages are devoted for advertising certain articles. Since however the main object of the pamphlet is not for purposes of advertising those articles, it is doubtful if it involves any breach of clause 13(b) of the Paper Control (Economy) Order, 1944.

Id/-

P:N.M.

13/2/46.

Remembrancer of Legal Affairs.

U.R. to F.D.(Supply),No.1362,

dated the 18th February, 1946.

R.D.P.
11/7/56

S.C.

Office of the R.L.A.

"Advertise" means "to give public notice of; to announce publicly; especially by a printed notice; as, to advertise goods for sale, for a lost article, the sailing day of a vessel, a public meeting" (See Iyer's Law Lexicon, P.39). To mention in a greeting card a fond wish for coveperation in business is not to advertise busi ness. Consequently the greeting card at p.3 ante does not appear to come within the mischief of sub-clause (a) (ii) of clause 38 of the Paper Control (Economy) Order, 1944.

Id/-

P.N.M.

4/3/46.

Remembrancer of Legal Affairs.

U.R. to F.D.(Supply),No. 1823,

dated the 5th March 1946.

R.D.P.
11/7/56

b.C.

Office of the R.L.A.

According to section 3(1) of the Paper Control (Economy) Order, 1945 (in Part II of the Order) Newspaper includes a news bulletin while according to section 2(a) of the Newspaper Control Order, 1944, X newspaper means any periodical publication printed on newspeint.

The bulletin in x question appears to be a periodical publication printed on newsprint, m d as such seems to fall under section 3(1) of the Paper Control (Economy) Order 1944.

Id/-

/4/46.

Remembrancer of Legal Affairs.

U.R. to C.S.D.,No.3099,dated the 25th April 1946.

R.D.P.
11/7/56

S.C.

<u>Office of the R.L.A.</u>

A "poster" means a bill or placard, oftern of a decorative character, intended to be posted in public places. From the very get-up of the Circular at page 3 ante it may be inferred that it was not intended to be posted in any public place. ... is an advertising circular, but not "a poster giving news" within the meaning of clause 11(2)(e) of the Paper Control (Economy) Order, 1945.

Id/-

P.N.E.

17/6/46.

Remembrancer of Legal Affairs.

U.R. to Civil Supplies Department No. 4439, dated the 19th June 1946.

R.D.P.
11/7/56

S.C.